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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,541	09/20/2001	Paul N. Weinberg	05711.917	5876
36067	7590	04/01/2005	EXAMINER	
DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/960,541	WEINBERG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gregory J. Vaughn	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-171 is/are pending in the application.

4a) Of the above claim(s) 1-66 and 94-135 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 67-93 and 136-171 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-66 and 94-135 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s), (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. <u>12/07/04 12/8/03</u>	6) <input checked="" type="checkbox"/> Other: <u>NPL</u>

**DETAILED ACTION**

***Application History***

1. This action is responsive to the applicant's election response filed 1/10/2005. Applicant's election without traverse of Group III (corresponding to claims 67-93 and 136-171) in the reply filed on 1/10/2005 is acknowledged.
2. Claims 1-171 are pending in the case. Claims 67-93 and 136-171 have been elected by applicant for examination. Claims 1-66 and 94-135 are non-elected. Claims 67 and 136 of the elected claims are independent claims.
3. Acknowledgement is made to the applicant's submission of an Information Disclosure Statement, filed 12/8/2003.

***Priority***

4. Applicant's claim for domestic priority of US provisional application 60/234,015, filed 9/20/2000, under 35 U.S.C. 119(e) is acknowledged.

***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."*

7. Claims 67-93 and 136-171 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson, *Excel Version 5 for Windows, Special Edition*, published in 1993 by Que Corporation (hereinafter Pearson).

8. **Regarding independent claim 67**, Pearson discloses family data in the form of a group of records related by a common value in Figure 36.1 on page 984 (the common value shown as the "Jan-94" value in the "Period" column). Pearson also discloses in Figure 36.1 the family data as a hierarchical structure defined by a partition (see values in the "Region" column of the figure). Pearson discloses generating and presenting the family data table in Figure 36.4 on page 986 (shown as "Sum of Sales" pivot table). Pearson also discloses in Figure 36.4 obtaining a pivot value from a user, where the pivot value comprises data associated with the family table (shown as the "Product" drop down list with the "Nut Crunchies" value selected by the user). Pearson discloses storing pivot values independent of the family data in Figure 36.9 on page 990 (shown "External Data Source"). Pearson discloses dynamically

applying the pivot value to the family table during a pivot operation to generate and present (i.e. display) a preview table in Figure 36.4.

9. **Regarding dependent claim 68 and 69,** Pearson discloses obtaining an additional pivot value (claim 68) or a different pivot value (claim 69) in Figures 37.2 and 37.3 on page 1013, where the additional or different pivot value is dynamically applied, and the preview table is regenerated.
10. **Regarding dependent claim 70,** Pearson discloses the real time execution of the applied pivot value in Figure 36.4 on page 986.
11. **Regarding dependent claim 71,** Pearson discloses the family data having category information and using the category information to create the partition in Figure 36.4 on page 986 (category shown as "Region" with the hierarchy shown as the region values).
12. **Regarding dependent claim 72 and 73,** Pearson discloses the ability to define additional partitions (claim 72) on any level of the hierarchy (claim 73) in Figures 37.2 and 37.3 on page 1013 (the result shown as "Clayton Total" in Figure 37.3).
13. **Regarding dependent claim 74,** Pearson discloses in Figure 36.12 on page 993 obtaining layout information from the user.
14. **Regarding dependent claim 75,** Pearson discloses in Figure 36.4 on page 986 the layout information comprises properties associated with child

nodes of the hierarchy (shown as the hierarchy of “*Region*” with child nodes of “*North Central*”, “*Northwest*” etc.).

15. **Regarding dependent claim 76**, Pearson discloses in Figure 36.16 on page 995 overriding the inheritance properties on a node-by-node basis (shown as the editing of the heading cells in the figure).
16. **Regarding dependent claim 77**, Pearson discloses the reduction of redundant information (shown in Figure 36.1 on page 984) with the pivot operation (as shown in Figure 36.4 on page 986. Note how the redundant Region information of Figure 36.1 is reduced in Figure 36.4).
17. **Regarding dependent claims 78-82**, Pearson discloses the use of a stack pivot (claims 78 and 79) a horizontal pivot (claims 80 and 81) and a vertical pivot (claim 82) on Page 992 in step 2. Compare “stack pivot” to “page filtering”, compare “horizontal pivot” to “row area” and “vertical pivot” to “column area”.
18. **Regarding dependent claim 83**, Pearson discloses in Figure 36.23 on page 1001 identifying a pivot axis corresponding to a pivot value (shown as the “*Region*” pivot value), where the pivot value is removed from the table (i.e. the “*Region*” pivot value is removed), and then generating sub-tables (shown as “*PRODSALEXLS:1*”, “*PRODSALEXLS:2*”, “*PRODSALEXLS:3*” and “*PRODSALEXLS:4*” sub-tables).

19. **Regarding dependent claims 84 and 85**, Pearson discloses on page 992 at step 2, that the pivot axis can be oriented to the row (claim 84) or column (claim 85) dimensions of the pivot table.
20. **Regarding dependent claim 86**, Pearson discloses in Figure 36.23 on page 1001 sorting of sub-tables based upon the pivot value of the pivot axis (shown as being sorted on the “*Region*” pivot axis with pivot values of “*North Central*”, “*Northwest*” etc.).
21. **Regarding dependent claims 87, 89 and 92**, the claims are directed toward substantially the same subject matter as claims 78, 80 and 82, respectively, and are rejected using the same rationale.
22. **Regarding dependent claims 88, 90, 91, and 93**, the claims are directed toward substantially the same subject matter as claims 79 and 81, respectively, and are rejected using the same rationale.
23. **Regarding claims 136-171**, the claims are directed toward substantially the same subject matter as claims 67-93, and are rejected using the same rationale.

***Conclusion***

24. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,317,686	05-1994	Salas et al.
• US-5,604,854	02-1997	Glassey, Colin R.
• US-5,713,020	01-1998	Reiter et al.
• US-5,915,257	06-1999	Gartung et al.
• US-5,961,923	10-1999	Nova et al.
• US-6,298,342	10-2001	Graefe et al.
• US-6,321,241	11-2001	Gartung et al.
• US-6,329,139	12-2001	Nova et al.
• US-6,340,588	01-2002	Nova et al.
• US-6,411,313	06-2002	Conlon et al.
• US-6,604,095	08-2003	Cesare et al.
• US-6,626,959	09-2003	Moise et al.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
March 18, 2005



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER